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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,283	10/16/2001	Guy L. Reed	0609.4320003/JAG/AJK	2070

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WASHINGTON, DC 20005

EXAMINER

RAWLINGS, STEPHEN L

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 10/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,283

Applicant(s)

REED, GUY L.

Examiner

Stephen L. Rawlings, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed October 16, 2001 in Paper No. 6 is acknowledged and has been entered. Claims 19-35 have been canceled.
2. Claims 1-18 are pending in the application and are currently subject to the following restriction.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-4 and 6, insofar as the claims are drawn to an immunologic molecule comprising amino acids 1 to 107 of SEQ ID NO: 9 and amino acids 1 to 119 of SEQ ID NO: 15, classified in class 530, subclass 387.3.

Group II. Claims 1-4 and 7, insofar as the claims are drawn to an immunologic molecule comprising amino acids 1 to 107 of SEQ ID NO: 5 and amino acids 1 to 119 of SEQ ID NO: 11, classified in class 530, subclass 387.3.

Group III. Claims 1-4 and 8, insofar as the claims are drawn to an immunologic molecule comprising amino acids 1 to 107 of SEQ ID NO: 7 and amino acids 1 to 119 of SEQ ID NO: 13, classified in class 530, subclass 387.3.

Group IV. Claims 1-4 and 9, insofar as the claims are drawn to an immunologic molecule having a light chain CDR1 comprising amino acids 26 to 32 of SEQ ID NO: 75, classified in class 530, subclass 387.3.

- Group V. Claims 1-4 and 9, insofar as the claims are drawn to an immunologic molecule having a light chain CDR2 comprising amino acids 50 to 52 of SEQ ID NO: 75, classified in class 530, subclass 387.3.
- Group VI. Claims 1-4 and 9, insofar as the claims are an immunologic molecule having a light chain CDR3 comprising amino acids 91 to 96 of SEQ ID NO: 75, classified in class 530, subclass 387.3.
- Group VII. Claims 1-4 and 9, insofar as the claims are drawn to an immunologic molecule having a heavy chain CDR1 comprising amino acids 26 to 32 of SEQ ID NO: 79, classified in class 530, subclass 387.3.
- Group VIII. Claims 1-4 and 9, insofar as the claims are drawn to an immunologic molecule having a heavy chain CDR2 comprising amino acids 53 to 56 of SEQ ID NO: 79, classified in class 530, subclass 387.3.
- Group IX. Claims 1-4 and 9, insofar as the claims are drawn to an immunologic molecule having a heavy chain CDR3 comprising amino acids 100 to 107 of SEQ ID NO: 79, classified in class 530, subclass 387.3.
- Group X. Claims 1-4 and 10, insofar as the claims are drawn to an immunologic molecule having a light chain CDR1 comprising amino acids 26 to 32 of SEQ ID NO: 76, classified in class 530, subclass 387.3.
- Group XI. Claims 1-4 and 10, insofar as the claims are drawn to an immunologic molecule having a light chain CDR2 comprising amino acids 50 to 52 of SEQ ID NO: 76, classified in class 530, subclass 387.3.

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Group XII. Claims 1-4 and 10, insofar as the claims are drawn to an immunologic molecule having a light chain CDR3 comprising amino acids 91 to 96 of SEQ ID NO: 76, classified in class 530, subclass 387.3.

Group XIII. Claims 1-4 and 10, insofar as the claims are drawn to an immunologic molecule having a heavy chain CDR1 comprising amino acids 26 to 32 of SEQ ID NO: 80, classified in class 530, subclass 387.3.

Group XIV. Claims 1-4 and 10, insofar as the claims are drawn to an immunologic molecule having a heavy chain CDR2 comprising amino acids 53 to 56 of SEQ ID NO: 80, classified in class 530, subclass 387.3.

Group XV. Claims 1-4 and 10, insofar as the claims are drawn to an immunologic molecule having a heavy chain CDR3 comprising amino acids 100 to 107 of SEQ ID NO: 80, classified in class 530, subclass 387.3.

Group XVI. Claims 1, 5, 11, and 14-17, insofar as the claims are drawn to monoclonal antibody 77A3, a method for making said monoclonal antibody, a hybridoma cell line that produces said monoclonal antibody, and a method for making said hybridoma cell line, classified in class 530, subclass 388.25, class 424, subclass 184.1, and class 435, subclass 337.

Group XVII. Claims 1, 5, 12, and 14-17, insofar as the claims are drawn to monoclonal antibody 49C9, a method for making said monoclonal antibody, a hybridoma cell line that produces said monoclonal antibody, and a method for making said hybridoma cell line, classified in class 530, subclass 388.25, class 424, subclass 184.1, and class 435, subclass 337.

Group XVIII. Claims 1, 5, and 13-17, insofar as the claims are drawn to monoclonal antibody 70B11, a method for making said monoclonal antibody, a hybridoma cell line that produces said monoclonal antibody, and a method for making said hybridoma cell line, classified in class 530, subclass 388.25, class 424, subclass 184.1, and class 435, subclass 337.

Group XIX. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 107 of SEQ ID NO: 5, classified in class 536, subclass 23.5.

Group XX. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 107 of SEQ ID NO: 7, classified in class 536, subclass 23.5.

Group XXI. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 107 of SEQ ID NO: 9, classified in class 536, subclass 23.5.

Group XXII. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 107 of SEQ ID NO: 75, classified in class 536, subclass 23.5.

Group XXIII. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 119 of SEQ ID NO: 11, classified in class 536, subclass 23.5.

Group XXIV. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 119 of SEQ ID NO: 13, classified in class 536, subclass 23.5.

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Group XXV. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 119 of SEQ ID NO: 15, classified in class 536, subclass 23.5.

Group XXVI. Claim 18, insofar as the claim is drawn to a nucleic acid molecule comprising a nucleotide sequence encoding amino acids 1 to 119 of SEQ ID NO: 79, classified in class 536, subclass 23.5.

4. The inventions are distinct, each from the other because of the following reasons:
The inventions in groups I-XXVI are disclosed as biologically and chemically distinct, unrelated in structure and/or function, and/or made by and/or used in different methods, and therefore the claimed products are distinct.

The inventions in groups XVI-XVIII are disclosed as materially different methods that differ at least in objectives, method steps, reagents and/or doses and/or schedules used, response variables, assays for end products and/or results, and criteria for success, and therefore the claimed methods are distinct.

5. Because these inventions are distinct for the reasons given above and also because the search required for any one group is not required for any other group and/or the inventions have acquired a separate status in the art as shown by their different classification or their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Claims 1 and 5 are linking claims. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s). Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be

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withdrawn and any claim depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. Applicants are advised that if any such claims depending from or including all the limitations of the allowable linking claims are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (703) 305-3008. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony C. Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642


STEPHEN RAWLINGS

slr
October 20, 2003